

Applicant : Scott Montgomery  
Appl. No. : 09/990341  
Examiner : Joshua A. Murdough  
Docket No. : 703602.2

### **Remarks**

New claims 140-148 have been added. Claims 92, 94, 106-123 and 133-137 have been cancelled. Claims 85-91, 93, 95-105, 124-132 and 138-148 are pending.

#### **Election/Restriction Under 35 U.S.C. § 121**

Claims 85-139 are subject to a restriction requirement as follows: Group I, claims 85-105 drawn to a method for operating a postal meter, class 705, subclass 401; Group II, claims 106-123 drawn to a method for processing a mail piece, class 705, subclass 62; and Group III, claims 124-139 drawn to a postal metering system, class 705, subclass 62. Applicants hereby confirm their election of Groups I and III for examination.

#### **Objections to Drawings Under 37 C.F.R. § 1.83(a)**

The drawings were objected to for not showing the “indexing tracking ID request to the USPS” referenced in claim 93. The applicants respectfully submit that this limitation is shown in steps 510 of FIG. 9, which states that the “Central Computer System Transmits Tracking Request to Master Tracking Computer System.” The applicants respectfully note that the Tracking Request and the claimed “indexing tracking ID request” can be the same (see, e.g., paragraph 117) and that the Master Tracking Computer System can be located within the USPS (see, e.g., FIG. 3).

#### **Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph**

Claims 93, 104, 131 and 132 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regarded as the invention.

In paragraph 17 of the office action, claim 93 was rejected as lacking antecedent basis for “a second indexing tracking ID request to the USPS.” The applicant have amended the claim in accordance with the examiner’s suggestion. The applicants respectfully request the rejection be withdrawn.

In paragraph 18 of the office action, claims 93, 104, 131 and 132 were rejected as one of skill in the art would not understand how a request can be made to a remote system to retrieve

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something that is generated locally. The applicants respectfully submit that claim 85 does not require the indexing tracking ID be generated at the vendor-controlled computer system. Claim 85 only recites “allocating” an indexing tracking ID regardless of where the indexing tracking ID is actually generated. Further, claim 85 only requires storing data corresponding to the postage indicium within a database of the vendor-controlled centralized postage issuing computer system such that the indexing tracking ID is associated with the data. There is no explicit requirement that the indexing tracking ID be part of the indicium. Thus, the interpretation of claim 85 is not correct as the claim does not recite making a request to a remote system to retrieve something that is generated locally. Accordingly, the applicants respectfully request that the rejection be withdrawn.

#### Rejection of Claims Under 35 U.S.C. § 102 and 103

Claims 85-96, 98-105 and 124-138 were rejected under 35 U.S.C. section 102(b) as being anticipated by U.S. Patent 6,005,945 (hereinafter “Whitehouse”). Claims 97 and 139 were rejected under 35 U.S.C. section 103(a) as being unpatentable over Whitehouse. The applicants respectfully submit that Whitehouse fails to disclose all of the limitations of the claims as amended.

The office action has construed the claimed “indexing tracking ID” on the serial number of the indicium that is disclosed in Whitehouse. As will be explained below, the applicants have amended the claims to clarify that the recited method using the “indexing tracking ID” is not the same as the method using the serial number disclosed in Whitehouse.

Whitehouse discloses that every postage indicium across all vendors automatically carry this postage indicium serial number within it. Whitehouse builds on the disclosure from his earlier patent:

“Referring to FIG. 1, U.S. Pat. No. 5,319,562 describes a postage management and printing system . . . The '562 patent also proposed that *each mail piece be assigned a unique serial number*, and barcode representations of the postage amount and numerical identifiers.” (Col. 1, line 59 – col. 2, line 2)(emphasis added).

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The reason Whitehouse proposes all vendors assigning this postage indicium serial number to every mail piece is to provide a technique where the USPS can automatically detect authenticity for every generated indicium. Whitehouse states at col. 4, lines 47-50:

“[t]he simple presence of a unique Meter and Serial number (in a barcode or in OCR readable form) on *every* digitally metered mail piece would provide an absolutely secure system.”

Whitehouse goes on:

“For instance, if the serial number on a mail piece is sufficiently different from the serial numbers on other mail pieces recently processed for the same meter, the postal service computer may request a copy of the meter's recent postage purchase history to determine if the postal indicia on the mail piece being processed is authentic.” (Col. 9, ll. 1-6).

The present claims are not directed to the use of this postage indicium serial number. To the contrary, the present claims are directed to the use of an indexing tracking ID, i.e., an ID used for tracking purposes (e.g., a USPS delivery confirmation code) that is allocated upon request by the end user. For example, claim 85 recites:

“receiving, at the vendor-controlled centralized postage-issuing computer system, an indexing tracking ID request and a first postage indicium request, directed from an end user computer;” and

“allocating an indexing tracking ID for the end user computer”.

The end user computer has the option as to whether to request this indexing tracking ID for the postage transaction and may choose only to request the postage indicium. Thus, the method of the present claims relies on an integration of tracking ID's that is not present in the method disclosed by Whitehouse.

Furthermore, claim 85 recites “a postage indicium generation module, operable with the data processing circuitry, programmed to generate data corresponding to a postage indicium . . . wherein the generated data comprises a digital signature derived from the indexing tracking ID”.

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Because Whitehouse fails to disclose the use of indexing tracking ID's, Whitehouse cannot disclose this limitation.

The applicants respectfully submit that independent claim 124, although in method format, contains limitations similar to those discussed with regards to claim 85 and, therefore, the same arguments likewise apply.

The applicants respectfully submit that claim 147, which explicitly recites the use of a delivery confirmation code, is allowable over Whitehouse as Whitehouse fails to disclose such a method using a USPS delivery confirmation code

The applicants therefore respectfully submit that the pending claims are patentable over Whitehouse because Whitehouse fails to disclose each limitation of the claims.

#### Conclusion

The applicants respectfully submit that claims are allowable over the cited references.

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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By: \_\_\_\_\_

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